

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

**LAND ACQUISITION - West Godavari District - Yerrakalva Reservoir Project -** Jangareddigudem Mandal - Borrampalem Village - Land acquired under Award No:134/86, Dated 23.9.86 - Enhancement of Land compensation by the Hon'ble High Court of Andhra Pradesh in A.S.No.1087/2001, dated 4.1.2007 filed against O.P.No.60/94, dated 21.12.1999- Decretal charges of Rs.4,24,625/- Supersession of the Government Order No.912 I&CAD (PW.LAI) Department, dated. 21.11.2007 - Fresh Sanction - Orders - Issued.

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**IRRIGATION & CAD (PW.LA.I) DEPARTMENT**

**G.O.Rt.No: 814**

**Dated: 22.10.2009**

**Read the following:**

1. Government Order No.912 I&CAD (PW.LAI) Department, dated. 21.11.2007
2. From the Dist Collector, West Godavari, Eluru, Roc No:5309/2007 (G3) and 3432/2007-G3, dated. 11.7.2007.
3. From the Spl.Chief Secretary to Government and Chief Commissioner of Land Administration, A.P., Hyderabad Letter No.G1/919/2007, dated. 3.8.2007
4. From the Engineer-in-Chief, Medium Irrigation, Hyderabad, Lr.No.DCE.III/ OT 1/AEE2, dated. 10.2.2009

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**ORDER:**

In supersession of the orders issued in the reference 1<sup>st</sup> read above and it has been reported to Government in the reference 2<sup>nd</sup> and 3<sup>rd</sup> read above that an extent of Ac. 9.14 cts of land was acquired under Award No.134/86 by the then Land Acquisition Officer & Spl Dy.Collector(LA), Jagareddygudem Mandal, West Godavari District for formation of Yerrakalva Reservoir Project of Borrampalem Village duly fixing the land value @ Rs.1,026/- per acre. Aggrieved landowner Sri P.V.S.Subba Rao and others have filed the claim in lower Court under Sec.18 of the Land Acquisition Act. The Sub- Court, Eluru in OP.No.60/94, dated.21.12.1999. The Hon'ble Principal Senior Civil Judge, Eluru has enhanced the compensation to Rs.22,000/- with a direction to pay solatium @ 30% and interest at 9% per annum from the date of taking possession for a period of one year and thereafter at 15% per acre till the date of payment. The claimants are also granted the amount at 12% per acre towards additional market value from the date when the Notification under section 4(1) of the act was made i.e., 5.7.1979 till the date when the award was passed i.e., 23.9.1986. While awarding interest, the amount already paid to the claimants shall be deducted.

2. Aggrieved by the Lower Court Orders, the Land Acquisition Officer preferred an Appeal in AS.No.1087/2001, dated.4.1.2007. The Hon'ble High Court have passed orders to the effect that the decree of the Lower Court be and hereby is confirmed and this appeal dismissed and this court doth further order and decree that there be no order as to costs in this Appeal.

3. The Collector & District Magistrate, West Godavari, has requested the Government to sanction and release an amount of Rs.16,88,872/- calculating the interest upto 31.7.2007 on difference of market value + Solatium +12% Additional Market Value and also he has deducted the amount of Rs.4,14,489/- already sanctioned vide G.O.Rt.No.1063, dated. 24.9.2001. The Special Chief Secretary to Government & Chief Commissioner of Land Administration, A.P, Hyderabad has recommended for sanction an amount of Rs.10,03,138/- calculating the interest upto 31.7.2007 on difference of market value only without deducting the amount already sanctioned. Now, Government Department have calculated the interest upto part payment already deposited on 12.11.2001 and also calculated in the interest on difference of market value only as per court orders and arrived to an amount of Rs.4,24,625/- after deducting the amount already deposited Rs.4,14,489/-.

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4. Government after careful examination of the matter hereby accord sanction and release for an amount of **Rs.4,24,625/-** (Rupees Four lakh Twenty Four thousand Six hundred and Twenty Five only) in respect of O.P.No.60/94 towards entire /full decretal charges for depositing in the civil court to comply with the orders of High Court in A.S. No:1087/2001, dt.4.1.2007, as well as Lower Court in this case; subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Government/Chief Commissioner of Land Administration immediate action should be taken to recover the loss sustained by the Govt. from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer (Medium) as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Government/Chief Commissioner of Land Administration on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

5. The expenditure sanctioned above shall be debited to the Head of Account under ""4701 - Capital Outlay on major & Medium Irrigation (03) Medium Irrigation - Commercial MH - 146 Yerrakalva Reservoir - Schemes included in the Plan -GH.11 - Normal State Plan - SH (26) D&A Works - 530/532 Lands (Charged). In case, the available budget provisions is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund to surrendering an equal amount from voted grant.

6. The District Collector, West Godavari shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.60/94, under Yerrakalva Reservoir Project Scheme for avoiding intervention of the middlemen

7. The Engineer - in- Chief (Medium), Hyderabad shall take necessary steps for release of LOC immediately.

8. This order issues with the concurrence of Finance (Expr. PW-I) Department vide their U.O. No: 25335/978 /Exp.pw-I/09, Dated:16.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )

SHAILENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

The Collector, West Godavari District, Eluru

The Engineer - in- Chief (Medium), Hyderabad,.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.

The Pay & Accounts Officer, West Godavari Eluru.

The Superintending Engineer, Irrigation Circle, Eluru.

The District Treasury Officer, West Godavari Eluru.

The Revenue Divisional Officer, Jangareddigudem, West Godavari District.

The Finance (Expr.PW-I) Department

File C.No.6469/L.A.I(A1)/2009

SF/SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER